

**FULL BOARD MEETING AGENDA
of the
MONTANA BOARD OF OUTFITTERS
301 S. PARK AVENUE, HELENA MT
FOURTH FLOOR – LARGE CONFERENCE ROOM
December 7, 2018**

10:10 a.m. to Conclusion

1. Call to Order - Establish Quorum - Introduction of Board & Staff Members Present

(00:00:02)

Mr. Way, Presiding Officer, called the meeting to order at 10:10 a.m.

Members Present:

Mr. John Way, Presiding Officer, Industry Member
Ms. Julie French, Public Member-via conference call
Mr. Rob Arnaud, Industry Member
Mr. Todd Earp, Industry Member
Mr. Kerry Fee, Public Member
Mr. Matt Greemore, Industry Member

Board Members Absent:

Mr. Hugo Tureck, Public Member

Staff Present:

Ms. Barb McAlmond Administrative Specialist
Mr. Dylan Gallagher, Board Counsel
Mr. Steve Gallus, Executive Officer
Mr. Todd Younkin, Division Administrator

Others Present:

Mr. Seth Tonsmeire-via conference call
Mr. Bryant Eaton
Mr. Robin Cunningham
Mr. Mac Minard
Mr. Frances Tonsmeire-via conference call
Mr. Anthony Lombardi-via conference call
Mr. Bennie Ulrick
Mr. Michael Disario-via conference call
Mr. Jason Fleury
Mr. Daniel Smith
Mr. Mike Biks
Mr. Bryant Eaton

2. Approval and Tentative Modification of Agenda Order (00:02:11)

a. December 7, 2018 Agenda

Motion: (00:02:22) Mr. Way moved to approve the agenda with modifications as needed. Mr. Greemore seconded the motion. The motion carried.

3. Review Minutes (00:03:04)

a. August 24, 2018 Minutes, Full Board Open Session
No changes or corrections were noted.

4. Election of Officers (00:03:43)

a. Nominations and Election of Board Chairperson (00:04:11)

Motion: (00:04:14) Mr. Arnaud moved to appoint Mr. John Way as board chairperson. Mr. Greemore seconded the motion. The motion carried.

b. Nominations and Election of Board Vice-Chairperson (00:04:41)

Motion: (00:05:10) Mr. Way moved to appoint Mr. Greemore as board vice-chairperson. Ms.

French seconded the motion. The motion carried.

5. **Division Administrator Report-** Todd Younkin-(01:30:30) FYI-No board action required.

6. **Outfitter Operation Plan Update (01:44:05)** FYI-No board action required.

7. **Public Opportunity to Comment (00:06:05)**

(Presiding Officer Statement) "Under this item, the Board will offer an opportunity to members of the public in attendance to comment on any public matter under the jurisdiction of the Board that is not on the agenda of this meeting. While the Board cannot take action on any issues presented, the board will listen to comments and may ask staff to place the issue on a subsequent agenda. The presiding officer may limit the comment period in order to proceed with the board meeting."

(06:41:00) Mike Bias

(00:08:40) Mac Minard

(00:10:50) Staff/Legal was instructed to present a legal report at the March meeting if the board has any scope of practice for medical marijuana.

8. **Board Action (00:12:45)**

a. **Non-routine Applications (00:12:55)**

i. Bryant Eaton OUT-GUD-APP-34659 (00:12:54)

Motion: (00:28:29) Mr. Arnaud moved to approve Mr. Eaton for a 1-year probationary license based on **MCA 37.1.316(1)** and **ARM 24.171.2301 (3)(k)**, with a year- end report for the 2019 season from the endorsing be submitted to the board. If no further complaints and or convictions have occurred, Mr. Eaton will be granted a full an unrestricted license. Ms. French seconded the motion. The motion carried.

ii. Patrick Arbtin OUT-GUD-APP-34491 (00:34:01)

Motion: (00:42:36) Ms. French moved to approve Mr. Arbtin for a 1-year probationary license based on **MCA 37.1.316 (1) and (3)** and **ARM 24.171.2301(3) (k)**, with a year-end report for the 2019 season from the endorsing outfitter be submitted to the board. If no further complaints and or convictions have occurred, Mr. Arbtin will be granted a full and unrestricted. Mr. Earp seconded the motion. The motion carried.

iii. Bennie Ulrick OUT-OUT-APP-33941 (00:43:34)

Motion: (00:46:07) Mr. Earp moved to approve Mr. Ulrick for licensure. Mr. Way seconded the motion. The motion carried.

iv. Anthony Lombardi OUT-OUT-APP-34658 (00:46:46)

Motion: (01:00:31) Mr. Arnaud moved to approve Mr. Lombardi for licensure contingent upon receipt of the official California logs for 2015, 2016 and 2017 verifying the completion of 100 days of experience. Mr. Way seconded the motion. The motion carried.

b. **Annual Review of Outfitter Successorship (01:02:49)**

i. Frances Tonsmeire OUT-OUT-LIC-12832 FYI-No board action required.

c. **Review of Completed 12-month plan and consider experience waiver request (01:14:09)**

i. Michael Disario OUT-OUT-APP-30798 (01:14:12)

Motion: (01:20:25) Mr. Wey moved to approve the waiver of 50 days according to the completion of a 12-month plan. Mr. Greemore seconded the motion. The motion carried.

d. **Rulemaking (02:25:10)**

i. Discussion and possible motion amending ARM 24.171.401 – Reduce renewal fees for outfitters and guides (02:27:36)

Motion: (02:28:46) Mr. Arnaud moved to approve as proposed. Mr. Way seconded the motion. The motion carries.

ii. Discussion and possible motions relating to the small business impacts of rulemaking proposals (03:18:54)

Motion: (03:20:04) Mr. Arnaud moved that the Board finds this rule amendment will directly but not significantly have an impact on small businesses in Montana. Mr. Greemore seconded the motion. The motion carried.

iii. Discussion and possible motion amending ARM 24.171.408 – Change reporting requirements for

fishing outfitters to only report client ALS #s, not names. **(02:32:33)**

Motion: (02:32:55) Mr. Way moved to approve as proposed. Mr. Arnaud seconded the motion:

Motion: (02:34:31:) Mr. Way moved to amend his motion to direct staff to develop language that any nomenclature that FW&P uses is included in this. The motion carried.

- iv. Discussion and possible motions relating to the small business impacts of rulemaking proposals **(03:21:08)**

Motion: (03:21:40) Mr. Way moved that the Board finds this rule amendment will directly but not significantly have an impact on small businesses in Montana. Mr. Greemore seconded the motion. The motion carried.

- v. Discussion and possible motion amending ARM 24.171.412 – Require licensees to maintain current CPR training **(02:36:18)**

Motion: (02:36:36) Mr. Arnaud moved to approve as proposed. Mr. Way seconded the motion. Mr. Way called for the vote. Mr. Earp, Mr. Greemore and Mr. Arnaud voted against the motion, Ms. French, Mr. Fee and Mr. Greemore voted in favor of the motion. The motion failed.

- vi. Discussion and possible motions relating to the small business impacts of rulemaking proposal **(03:23:03)**

Motion: (03:23:35) Mr. Way moved that the Board finds this rule amendment will directly but not significantly have an impact on small businesses in Montana. Mr. Earp seconded the motion. The motion carried.

- vii. Discussion and possible motion amending ARM 24.171.412 and 602 – clarify requirement that applicants for a new original license as a guide or outfitter must hold current, hands-on first aid certification **(02:46:38)**

Motion: (02:50:43) Mr. Way moved to approve as proposed with removing CPR references. Mr. Greemore seconded the motion. The motion carried.

- viii. Discussion and possible motions relating to the small business impacts of rulemaking proposals **(03:22:03)**

Motion: (03:23:35) Mr. Way moved that the Board finds this rule amendment will directly but not significantly have an impact on small businesses in Montana. Mr. Earp seconded the motion. The motion carried.

- ix. Discussion and possible motion amending ARM 24.171.2301 – amend various provisions as necessary to conform with updates to rules listed above. **(02:54:54)**

No board action required.

Discussion and possible motions relating to the small business impacts of rulemaking proposal

- x. Discussion and possible motion amending ARM 24.171.513 and ARM 24.171.512 pertaining to an inactive outfitter working as a guide. **(02:55:35)**

Motion: (02:59:09) Mr. Way moved not to amend. Mr. Greemore seconded the motion.

- xi. Discussion and possible motions relating to the small business impacts of rulemaking proposals

- xii. Discussion and possible motion amending ARM 24.171.509 pertaining to vehicle insurance for outfitters and guides **(03:02:28)**

Motion: (03:04:54) Mr. Way moved to approve as proposed with adding language after the first sentence to say “liability insurance must cover bodily injury to clients at all time services are being provided, including when the outfitter or employed to retain guides are transporting clients, with minimum amounts of liability insurance must be in accordance with other federal or state regulatory agencies when the outfitter is permitting on those lands, but in no case may the minimum amounts be less than currently. Mr. Arnaud seconded the motion. The motion carried.

- xiii. Discussion and possible motions relating to the small business impacts of rulemaking proposals **(03:24:28)**

Motion: (03:28:21) Mr. Greemore moved that the Board finds this rule amendment will directly but not significantly have an impact on small businesses in Montana. Mr. Arnaud seconded the motion. The motion carried.

c. Update Outfitter Examination (03:29:14) FYI-No board action required.

d. Audit Report (03:31:06)

i. Audit Report to the Board (03:31:12)

Motion: (03:42:05) Mr. Way moved to increase the audit number from 3% to 10% and re-access in one year. Mr. Earp seconded the motion. The motion carried.

ii. Jeremy Fatouros-No board action required.

iii. Larry Richtmyer-No board action required.

e. Confirm Future Meeting Dates (03:43:30)

i. March 1, 2019 - Large Conference Room

ii. May 31, 2019 - Large Conference Room

iii. August 23, 2019- Large Conference Room

iv. December 6, 2019 - Large Conference Room

9. Executive Officer Report (01:23:28) FYI-No board action required.

a. Budget Report (01:23:34)

b. General License and Outfitter by Endorsement Report (01:48:02)

c. 2018 Outfitter Assistant Report (01:53:34)

Motion: (02:13:50) Ms. French moved to direct staff to review the 2 outfitter assistant reports and the no response in question and bring to the next meeting. Mr. Arnaud seconded the motion. The motion carried.

d. Outfitter reporting methods private land TRS vs Geocode-was not discussed at this meeting

10. Legal Report (03:44:11) FYI-No board action required.

11. Adjourn (03:45:21) Mr. Arnaud adjourned the meeting at 2:40 p.m.

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